

Nicholas R. Kloeppel, SBN 186165
William F. Mitchell, SBN 159831
THE MITCHELL LAW FIRM, LLP
Attorneys at Law
426 First Street
P. O. Drawer 1008
Eureka, CA 95502
Tel: (707) 443-5643
Fax: (707) 444-9586
Email: nkloeppel@mitchelllawfirm.com

Attorneys for Defendant
HUMBOLDT COUNTY

Timothy Elder, SBN 277152
Anna R. Levine, SBN 227881
TRE LEGAL PRACTICE
1155 Market Street, 10th Floor
San Francisco, CA 94103
Tel: (415) 873-9199
Fax: (415) 952-9898
Email: telder@trelegal.com
Email: alevine@trelegal.com

Attorneys for Plaintiff
JAMES FORBES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES FORBES,)	Case No.: 19-cv-05514-JST
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO MODIFY EXISTING
vs.)	ORDER SETTING INITIAL CASE
)	MANAGEMENT CONFERENCE
HUMBOLDT COUNTY,)	
)	
Defendants.)	

Pursuant to Local Rules 6-1(b), 6-2(a), 7-12, and 16-2(e), Plaintiff JAMES FORBES (“Plaintiff”) and Defendant HUMBOLDT COUNTY (“Defendant”) (collectively, the “Parties”), by and through their respective counsel of record, hereby stipulate and agree as follows:

1 WHEREAS, Plaintiff filed his Complaint on September 2, 2019 (Docket No. 1);
2 WHEREAS, pursuant to this Court's September 3, 2019, Order Setting Initial
3 Case Management Conference and ADR Deadlines (Docket No. 4), the Parties were
4 originally calendared to appear for an Initial Case Management Conference ("CMC") on
5 December 3, 2019, at 2:00 p.m. in the Eureka Branch before the Honorable Robert M.
6 Illman, US District Magistrate Judge;

7 WHEREAS, this case was reassigned on September 17, 2019, to the Honorable
8 Jon S. Tigar, US District Judge (Docket No. 9);

9 WHEREAS, the Clerk issued a Notice Setting Case Management Conference for
10 February 4, 2020, at 2:00 pm, in Courtroom 6, 2nd Floor, Ronald Dellums Federal
11 Building, Oakland (Docket No. 12);

12 WHEREAS, the parties attended a telephonic scheduling conference with an
13 Magistrate Judge Sallie Kim on November 21, 2019, at which time a Settlement
14 Conference was scheduled for February 18, 2020, at 9:30 am in San Francisco District
15 Courthouse, Courtroom C;

16 WHEREAS, pursuant to Federal Rules of Civil Procedure, Rule 26, the parties
17 are currently required to complete the early Rule 26(f) conference on or before January
18 14, 2020. The parties are further currently required to submit a Joint Case Management
19 Statement and make initial disclosures on or before January 28, 2020;

20 WHEREAS, in an effort to conserve expenses and increasing attorneys' fees
21 which may affect the ability of the parties to resolve this matter, the parties hereby
22 stipulate to move the currently set Case Management Conference and attendant
23 deadlines to after the Settlement Conference scheduled for February 18, 2020;

24 WHEREAS, the parties stipulate to reset the initial Case Management Conference
25 to March 10, 2020, at 2:00 pm in Courtroom 6, 2nd Floor, Oakland Courthouse, or any
26 other date and time thereafter which is more convenient for the Court;

1 WHEREAS, the parties further stipulate that, assuming a new case management
2 conference date is scheduled after the February 18, 2020, the deadline for the early Rule
3 26(f) conference will be February 18, 2020, to be held in person at the Settlement
4 Conference in the event no settlement is reached;

5 WHEREAS, counsel for the parties further stipulate that the remaining dates that
6 are attendant to the Case Management Conference, including the date for filing the Joint
7 Case Management Statement and exchange of initial disclosures will shall be calculated
8 based on the new date for the Conference set by the Court;

9 WHEREAS, for the reasons set forth above, good cause exists to reschedule the
10 upcoming Initial Case Management Conference and corresponding deadlines for Rule
11 26(f) initial disclosures and filing of the Parties' Initial Case Management Statement;

12 WHEREAS, the parties have received no previous extensions of any deadline in
13 this case; and

14 WHEREAS, except as described in this Stipulation, the requested postponement
15 of the Initial Case Management Conference sought by the Parties would not affect any
16 other date or deadline set by the Court in this matter;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the
18 Parties, through their respective counsel and subject to the Court's approval, that the
19 date for the Initial Case Management Conference be rescheduled from February 4, 2020
20 to March 10, 2020, or as soon thereafter as is convenient for the Court. The Parties
21 further stipulate, subject to the Court's approval, to reschedule the date on or before
22 which the early Rule 26(f) conference must be held from January 14, 2020, to February
23 18, 2020. The Parties further stipulate, subject to the Court's approval, to reschedule the
24 date for completion of the other dates attendant to the Case Management Conference,
25 including the Rule 26 initial disclosures and the filing of the Parties' Joint Initial Case
26

1 Management Conference Statement from January 28, 2020, to be calculated based on
2 the new date for the Case Management Conference set by the Court.

3 IT IS SO STIPULATED AND AGREED.

4
5 DATED: December 9, 2019 TRE LEGAL PRACTICE

6
7 By: /s/ Anna Levine
8 Anna Levine
9 Attorneys for Plaintiffs

10 DATED: December 9, 2019 THE MITCHELL LAW FIRM, LLP

11
12 By: /s/ Nicholas R. Kloeppel
13 NICHOLAS R. KLOEPPEL
14 Attorneys for Defendant

15
16
17 **SIGNATURE ATTESTATION**

18 Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that I have obtained the
19 concurrence in the filing of this document from all of the signatories for whom a
20 signature is indicated by a “/s/” signature within this e-filed document and I have on file
21 confirmation of this concurrence for subsection production for the court if so ordered.


22 DATED: December 9, 2019 THE MITCHELL LAW FIRM, LLP

23 By: /s/ Nicholas R. Kloeppel
24 NICHOLAS R. KLOEPPEL
25 Attorneys for Defendant

ORDER

Pursuant to the Parties' Stipulation, and good cause appearing, it is hereby ordered that the Initial Case Management Conference set for February 4, 2020, is hereby reset for March 10, 2020, at 2:00 pm in Courtroom 6, 2nd Floor, Ronald Dellums Federal Building, Oakland. It is further ordered that the deadline to meet and confer regarding Rule 26 initial disclosures will be February 18, 2020, and Rule 26 initial disclosures as well as the Parties' Joint Initial Case Management Conference Statement shall be filed in accordance with applicable Rules and procedures based on the new Case Management Conference date.

DATED: December 11, 2019



HONORABLE JON S. TIGAR
United States District Court Judge